

ETHICS REMINDERS

What about the appearance? Limits on working an outside job under the Public Officers Law

Overview

State officers and employees often hold outside jobs, but if your outside job involves appearing before any State agency, remember that:

Public Officers Law §§ 73(7) and (12) prohibit Statewide elected officials, members of the Legislature, legislative employees, political party chairs, and State officers and employees (“Covered Persons”) from engaging in certain outside activities that involve the State. Specifically:

- Section 73(7) prohibits Covered Persons from getting paid to appear before any State agency in a matter relating to, for example, real estate, goods or services; rate-making for a public utility; an administrative rule or regulation; licensing or permits; or a State grant or loan.
- Section 73(12) prohibits a Covered Person from even speaking to a State agency in connection with a § 73(7) matter, when the Covered Person is a partner or member of a firm or company that’s appearing before the agency, regardless of whether the Covered Person is getting paid .

The law doesn’t stop you, though, from speaking with a State agency on behalf of yourself or a family member.

Finally, § 73(7-a) prohibits a Covered Person (not including political party chairs) from receiving compensation for rendering services in connection with proposed or pending legislation before the State Legislature. So, if somebody offers you a tip, a meal, a trip, or cash in a show of appreciation for the job you have done, it is best to politely decline.

Remember: Violations of Public Officers Law § 73 can result in a maximum fine of \$40,000, and the value of any compensation or benefit received in connect with such violation.



Remember:

The Joint Commission on Public Ethics periodically releases Ethics Reminders. Each reminder is a brief and easy to understand synopsis of the laws and rules under the Commission’s jurisdiction. Ethics Reminders are issued to assist those subject to the Commission’s jurisdiction in understanding and complying with their obligations under the law.